Recreation & Senior Services Department

3300 Newport Blvd
Newport Beach, CA. 92658-8915
Phone: (949) 644-3151 — FAX: (949) 644-3155

RS Staff Verification _____

MARIAN BERGESON AQUATIC CENTER
FACILITY USE/RENTAL APPLICATION – EFFECTIVE 12/14/2011

The City Council, Parks, Beaches & Recreation Commission and Recreation & Senior Services Department issue this reservation contract in accordance with the policies as established. Please add any necessary additional information. ALL reservation forms must be signed and returned along with fees and deposits before consideration of use approval. SUBMISSION OF RESERVATION REQUEST DOES NOT CONSTITUTE APPROVAL. YOUR COPY WILL BE RETURNED TO YOU AFTER APPROVAL OR DENIAL. Reservations require a minimum of five working days to process.

Title of Event _____ Date Submitted _____ Date(s) Requested_____

Organization _____ Contact Representative _____

Mailing Address _____ City _____ Zip Code _____

Phone _____/_____ FAX _____ Email _____

Date Requested List each date	**Day**	**Rental Times** W/ Set up/Tear Down	**Event Start Time**	**Event End Time**	**Estimated Participants**	**Estimated Spectators**	**Amplified Sound?***

- Will facility be used to raise money/funds? **Yes/**No. If **Yes**, what will the net proceeds be used for? _____
- Will there be food concessions? **Yes/**No If **Yes**, list Concessionaire: _____
- Will vendors be present? **Yes/**No If **Yes**, list vendor(s): _____
- Certificate of Liability Insurance with a minimum of $1,000,000 is required with application listing the City of Newport Beach as additional insured and provide a Letter of Endorsement with said coverage.
  Event Insured by: _____

***The use of Amplified Sound, Fund Raising, Concessions and/or Special Parking arrangements requires a CITY OF NEWPORT BEACH SPECIAL EVENTS PERMIT**

I, the undersigned, on behalf of the above named organization, do hereby agree to defend, indemnify and hold harmless the Director of Recreation & Senior Services Department, It's personnel, the City of Newport Beach, the Newport Mesa Unified School District, and any of their officers, agents, or employees from any liability or claim or action for damages resulting from or in any way arising out of the use of the facility or equipment and will agree to abide and enforce the Rules, Regulations and Policies governing the facility as set forth by the City Council, Parks, Beaches & Recreation Commission, Recreation & Senior Services Department and Newport Mesa Unified School District. Said organization will accept all responsibility for any damage to premises, furniture, equipment, or grounds resulting from use of facility.

IN THE EVENT OF A FACILITY CANCELLATION BY THE RENTER, A $25.00 CHARGE WILL BE DEDUCTED FROM DEPOSIT FUNDS COLLECTED, IF NOT REQUESTED IN WRITING A MINIMUM OF 5 WORKING DAYS BEFORE THE RENTAL DATE.

I, the undersigned, have read the above statements and the general regulations of this contract, and understand them fully.

Applicant Signature _____ Date _____

Approved By _____ Date _____

For Office Use Only

Total Fees Due $_____ $250 Deposit Paid: _____ Cash _____ Check # _____

Credit Card # _____ Exp. Date_____ Insurance/Endorsement Submitted: _____ SEP Needed? _____

Notify Eastbluff HOA _____ Police Notified _____ Comments: _____

CITY OF NEWPORT BEACH RECREATION & SENIOR SERVICES DEPARTMENT
MARIAN BERGESON AQUATIC CENTER (MBAC) RULES & REGULATIONS

RESERVATION/CANCELLATION

Each group is subject to **a $250 refundable** deposit prior to pool reservation. Deposit can be used towards rental fees if applicable.

* Non-profit groups must provide proof of non-profit status
    * Number of lifeguards used is based on anticipated pool attendance
    * Residency is determined by membership equaling 51% Newport Beach residents
    * Electronic scoreboard and timing system is not available through the City of Newport Beach

Reservations of facilities and payment of fees or deposit, when applicable, are due upon approval of reservation. All applications for reservations shall be made on official forms provided by the Recreation & Senior Services Department. Special tournaments and/or annual events may be applied for no more than 12 months in advance.

Permission to use the M.B.A.C. is granted subject to observance of all City, School District, County, State and Federal laws, rules and regulations. Users permit may be revoked for any violations.

Cancellation of activities by users may occur five (5) working days prior to the scheduled use of the M.B.A.C. without forfeiting any fees collected. Cancellations without proper notice will be charged a $25.00 cancellation fee. In the event of cancellation by the City, notice will be given as far in advance of the scheduled use as is possible under the circumstances.

Groups or persons using a facility are responsible to pay for any damage to or loss of property. A fee equal to total replacement cost will be charged.

The person who signs the application is responsible for and must be present at the event or practice.

INSURANCE REQUIREMENTS

The City of Newport Beach is not liable for accidental injury to persons or loss or damage of group or individual property. In the best interest of the General Public, the City of Newport Beach requires the group to furnish proof of Insurance by way of a commercial general liability policy in the amount of $1,000,000 naming the City of Newport Beach as additional insured.

RESERVATION/SPECIAL EVENT PERMIT REQUIREMENTS

A "Special Events Permit" is required when using:

- Amplified Sound
- Concessionaires/Vendors
- Tents
- Street Banners
- Police notification, or any special function that requires approval from other departments.

NOTE: No structure may be erected or assembled on premises, nor may any extraordinary electrical, mechanical or other equipment be brought thereon unless special written approval has been obtained from the Recreation & Senior Services Department. Any use of facilities shall comply with all state and local fire, health and safety laws. Permits may <u>not</u> be transferred, assigned or sublet.

All permits will be issued for specific activities and specific hours. Usage must be within the allotted permit time. It shall be the responsibility of the renter to see that unauthorized portions of the facility are not being used and that the premises are vacated as scheduled.

Adults must supervise groups composed of minors at all times. The ratio of adults to minors is 1:25. An adult who will be present at the event must complete the "Use Application" and "Special Event Permit".

MARIAN BERGESON AQUATIC CENTER (MBAC) RULES & REGULATIONS (continued)

Groups requiring time to set-up, clean up and complete any additional preparation must include entire time on original permit. Additionally, city staff working the event will arrive 30 minutes prior to event to test sound and go over "Condition of Facility" report and will remain until everyone has left the pool area, after the event, to lock up and complete "Condition of Facility" report. The renter will be charged for the total time in which staff is present.

CITY STAFF

A City Aquatic Staff person(s) will be assigned to be present at all non-school programs/activities. Staff shall be responsible for, and have complete authority over the M.B.A.C., all equipment, participants and activities. Staff shall have the authority to request changes in activities or cessation of activities, and the group(s) using the M.B.A.C. must comply with these requests or instructions.

When, in the opinion of Recreation & Senior Services Director, activity conditions warrant the presence of additional aquatic personnel, the cost of such service shall be borne by the group or organization sponsoring the activity.

No advertising shall be exhibited, no petitions circulated and no solicitation or sales made in public facilities or on public grounds without written permission from the Recreation & Senior Services Department.

Request for rental of the MBAC on legal holidays will be subject to staff availability and Director approval.

The Recreation & Senior Services Director shall have the authority to determine the charges to participants for special programs.

JOINT USE AGREEMENT/POOL HOURS

The Marian Bergeson Aquatic Center is operated and maintained under a joint power agreement between the Newport-Mesa Unified School District (District) and the City of Newport Beach (City). The following summary of operational rules and regulations is offered to clarify the use of the center by various approved user groups. The city has control of the M.B.A.C. during the following days/times:

SCHOOL YEAR

Monday–Friday	3–9:00pm
Saturday–Sunday	8am–9pm

SUMMER VACATION & SCHOOL HOLIDAYS

Monday–Friday	6am–9pm
Saturday–Sunday	8am–9pm

No event will start before 8AM. All events must end by 9PM

IMPORTANT NOTE: The following noise regulations pertain to all users:

- No WHISTLES used prior to 8am
- No live music during **any** event.
- Amplifier, Loudspeaker, Public Address System, Bullhorn or Starters Amplifier may be used from 9am to 8pm Monday–Sunday and **requires completion of a city "Special Events Permit" and additional fees for use**.
- Amplified Sound can be used for announcements and anthems only. Cheerleading over such systems is strictly prohibited.

MARIAN BERGESON AQUATIC CENTER
City of Newport Beach Recreation & Senior Services Department
RENTAL FEES & SCHEDULE

- **Each group is subject to a $250 refundable deposit prior to pool reservation.**
- **Non-Profit groups must provide proof of non-profit status.**
- **Number of lifeguards based on anticipated pool attendance.**
- **Residency is determined by membership equaling 51% Newport Beach residents.**
- **Electronic scoreboard and timing system is NOT available through the City of Newport Beach.**

TYPES OF USE:

Shared Use: Renter shares pool space with city programs.

Exclusive Use: Renter has exclusive use of the pool.

GROUP CLASSIFICATIONS:

Non-Profit: Renter must provide proof of non-profit status.

Private: College, Private, and Club Teams.

Commercial: Businesses, Film Companies, Photographers, etc.

FEES:

	Non-Profit**		Private**		Commercial**	
	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident
Shared Rate	$46	$85	$90	$110	$215	$250
Exclusive Rate	$75	$95	$165	$190	$305	$330

*** Fees include one (1) city lifeguard. Additional lifeguard fees are $23/hr/lifeguard.**
**** A one-time administrative fee charge of $5 is added to each reservation.**

POOL LIFEGUARDS TO POOL PARTICPANTS

Due to the format and volume of participation during large meets/tournaments, Recreation Services lifeguard staff will be required to work. The number of staff and fees are as follows:

Events of 100 or less participants	**1 guard**
Meets of 101-299 participants	**2 guards**
Meets of 300+ participants	**3 guards**

Guards are required to arrive 30 minutes prior to the start of the event and will remain until everyone has cleared the pool area (which should take 30 minutes) as stated on the "Facility Use" form. One lifeguard will also be appointed to go over the "Condition of Facility" checklist before and after the event with the renter/team representative.

PARKING REQUIREMENTS

All vehicles must obey parking regulations. If estimated attendance warrants, renter must post "NO PARKING" signs in front of the Eastbluff Residential Neighborhood entrance located on Eastbluff Drive across from school parking lot. Signs and barricades are available at General Services. To arrange for pick-up during normal business hours, call 949-644-3053. In addition, renter must station a minimum of (2) two parking attendants to direct parking into the high school parking lot, or exterior parking around the high school. Parking monitors must be available through the duration of the event. The Newport Beach Police Department must be notified of large events (spectator attendance of 500 or more) so they can ticket illegally parked vehicles. This type of event usually **requires completion of a city "*Special Events Permit*" which is an additional fee**.

FACILITY REQUIREMENTS

Facilities and equipment are to be left in the same condition as they were prior to the activity.

Upon arrival time on the day of the event the renter, who is the responsible applicant, must initially inspect the premises with a staff person and fill out a "Condition of Facility Report." This report is a checklist to insure there is no disagreement as to the condition of the facility before and after the event.

At the conclusion of the activity and clean up, the group representative is required to participate in a "Condition of Facility" Inspection conducted by City Staff. If deemed necessary, the reservation group may be subject additional cleaning or equipment replacement fee.

Clean up: Renter is responsible for picking up all trash and dumping full trash bags in the dumpster located outside of the pool on west side of the building. New liners are to be replaced in the trashcans, bathrooms are to be cleaned and restocked (and the deck hosed off if large event of 200+ spectators or if food and drink are stuck on the ground).

The applicant must accept responsibility for the actions of all participants and spectators within the group and all areas of the facility utilized by the group including restrooms. The facility must be left in the exact order it was accepted including restrooms, bleachers, office\rooms, pool and deck.

A responsible representative of the group must be present through the entire event. If event is a non-school function, city staff is responsible for opening and closing the M.B.A.C.

Under no circumstances will Department equipment be removed from the M.B.A.C.

Repeat reservations of any given group will be contingent upon care of property and equipment and observance of approved rules and regulations.

No gambling of any kind shall be conducted on or in the municipal facilities, and permittee shall insure that no profane language or other disorderly or unseemly, conduct shall be allowed in the M.B.A.C.

The M.B.A.C. shall not be used for purposes of advancing any doctrine or theory subversive under the Constitution of the United States.

FOOD REGULATIONS

The Director, or designated representatives will permit food and refreshments only in certain designated areas as determined.

Food concessions must have prior written approval from the Recreation & Senior Services Department and is subject to completion of a "*Special Events Permit*."

Any exceptions to the above policies will be referred to the Director.

NO ALCOHOLIC BEVERAGES OR BEVERAGES/FOOD IN GLASS CONTAINERS ARE ALLOWED ON THE PREMISES!

MBAC RENTAL FEES & SCHEDULE (continued)

VENDORS
Renter must declare any vendor requesting to conduct business at a group event. Each vendor must provide proof of a City of Newport Beach issued business license prior to the event date.

SECURITY PERSONNEL
If, in the opinion of the Director, an activity condition warrants the presence of one or more security personal, the cost of such service shall be borne by the group or person sponsoring the event.

If, after proof of security has been submitted to Recreation & Senior Services, said security is not present on date of activity, the City Staff in charge may request the group to discontinue activity and ask the group to leave the area.